

A Health Check on COPAs

Assessing the Impact of Certificates of Public Advantage in Healthcare Markets



An FTC Event | June 18, 2019

9:00-9:05 am **Welcome and Introductory Remarks**

Stephanie A. Wilkinson

Attorney Advisor, Federal Trade Commission, Office of Policy Planning

9:05-9:15 am **Opening Address**

Joseph J. Simons

Chairman, Federal Trade Commission

9:15-9:35 am **Historical Context for COPAs and Recent Resurgence in COPA Activity**

James F. Blumstein

University Professor of Constitutional Law and Health Law & Policy
Vanderbilt Law School, Director of Vanderbilt Health Policy Center

9:35-11:05 am

Retrospective Empirical Studies of COPAs

Panelists will discuss empirical studies on the price effects of COPAs that were approved in the 1990s – including the Benefis Health COPA (Montana), Palmetto Health COPA (South Carolina), and Mission Health COPA (North Carolina) – as well as the quality effects of Phoebe Putney Health System’s acquisition of Palmyra Medical Center (Georgia).

Presenters (in order of presentation):

Christopher Garmon

Assistant Professor of Health
Administration
Henry W. Bloch School of Management
University of Missouri Kansas City

Lien H. Tran

Economist
Federal Trade Commission
Bureau of Economics

Kishan Bhatt

Graduate Fellow
Federal Trade Commission
Bureau of Economics

Laura Kmitch

Manager
Bates White Economic Consulting
Antitrust and Competition Practice

Discussants:

Leemore Dafny

Bruce V. Rauner Professor of Business
Administration
Harvard Business School and Kennedy
School of Government

Gregory Vistnes

Vice President
Charles River Associates

Moderator:

Aileen Thompson

Assistant Director, Federal Trade Commission, Bureau of Economics

11:05-11:15 am

Break

11:15-12:45 pm

Completed COPAs: Reviewing the Mission Health and Benefis Health COPAs

Panelists will reflect on the regulatory oversight, price and non-price effects, behavioral incentives, and eventual repeal of the Mission Health COPA, effective in North Carolina from 1995 to 2016, and the Benefis Health COPA, effective in Montana from 1996 to 2007.

Participants:

Mark L. Callister

Former Special Assistant Attorney General
Montana Department of Justice

John Goodnow

CEO
Benefis Health System

Cory Capps

Partner
Bates White Economic Consulting

K.D. (Kip) Sturgis

Special Deputy Attorney General
North Carolina Department of Justice

Kendall Cotton

Policy Advisor
Office of the Montana State Auditor
Commissioner of Securities & Insurance

Moderator:

Stephanie A. Wilkinson

Attorney Advisor, Federal Trade Commission, Office of Policy Planning

12:45-1:45 pm

Lunch (on your own)

1:45-3:15 pm

Ballad Health COPA: Early Experiences and Observations

Panelists will share early observations of the Ballad Health COPA, which became effective in January 2018, allowing the merger of Mountain States Health Alliance and Wellmont Health System to proceed in the geographic region along the border of northeast Tennessee and southwest Virginia.

Participants:

Erin C. Fuse Brown

Associate Professor of Law
Georgia State University College of Law

Janet M. Kleinfelter

Deputy Attorney General
Public Interest Division
Office of Tennessee Attorney General

Richard G. Cowart

Shareholder
Baker Donelson

Daniel J. Pohlgeers

Owner
Sunesis Medical Consulting

Scott Fowler

President and CEO
Holston Medical Group

John B. Syer, Jr.

Vice President East Region Networks
Anthem Blue Cross and Blue Shield in
Virginia

Joseph Hilbert

Deputy Commissioner for
Governmental and Regulatory Affairs
Virginia Department of Health

Moderator:

Goldie Veronica Walker

Attorney, Federal Trade Commission, Bureau of Competition, Mergers IV Division

3:15-3:25 pm

Break

3:25-4:55 pm

Policy Considerations for COPAs: Competition, Wages, and Beyond

Panelists will discuss topics to consider when evaluating a COPA regulatory approach, including: (1) concerns about local duplication of hospital services; (2) the impact of hospital mergers on employee wages; and (3) alternative state-based regulatory and enforcement approaches.

Participants:

Robert Berenson

Fellow
Urban Institute

Elena Prager

Assistant Professor
Kellogg School of Management
Northwestern University

Robert Fromberg

Senior Vice President
Kaufman, Hall & Associates, LLC

Thomas Stratmann

Professor of Economics and Law
George Mason University

Christopher Garmon

Assistant Professor of Health
Administration
Henry W. Bloch School of Management
University of Missouri Kansas City

Tracy Wertz

Chief Deputy Attorney General
Antitrust Section
Pennsylvania Office of the Attorney
General

Thomas (Tim) Greaney

Visiting Professor of Law
UC Hastings College of Law
San Francisco

Moderator:

Katie Ambrogi

Attorney Advisor, Federal Trade Commission, Office of Policy Planning

4:55-5:00 pm

Concluding Remarks

Katie Ambrogi

Attorney Advisor, Federal Trade Commission, Office of Policy Planning
